



U.S. Department  
of Transportation  
Federal Highway  
Administration

1200 New Jersey Ave., SE  
Washington, D.C. 20590

**SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

David W. Murrills, Esq.  
Schlehofer Law Offices, P.C.  
2900 Boniface Parkway, Ste. 200  
Anchorage, AK 99504

February 17, 2016

RE: Your client: C M

Dear Mr. Murrills:

We have received and reviewed the claim you submitted on November 25, 2015, to the U.S. Government on behalf of your client, C M. Your claim included a Standard Form 95, Claim for Damage, Injury or Death, pursuant to the Federal Tort Claims Act (FTCA), that you submitted on behalf of your client to the Department of the Interior (DOI). This letter serves as an answer on behalf of the United States, inclusive of DOI and the United States Department of Transportation. For the reasons stated below, your claim is denied.

In a letter dated November 19, 2015, sent by certified mail, return receipt requested, I administratively denied the same claim you previously submitted to the US Government on behalf of your client. In my letter of November 19<sup>th</sup>, I stated that the claim did not establish negligence on the part of the United States, a requirement for a claimant to prevail in a claim against the United States under the FTCA.

In your most recent submittal, you allege that the Hydaburg Cooperative Association rather than Rodney P. Kinney Associates is responsible for your client's injuries. As stated in my letter of November 19<sup>th</sup>, you have not established evidence to support your claim that Miss M's injuries were caused by an activity or action of the United States, a requirement to recover under the FTCA.

Accordingly, the evidence does not support your claim that Miss M's injuries were caused by an activity or action of the United States. For this reason, your claim is denied.

You are advised that if you are dissatisfied with this determination, you have the right to file suit in an appropriate United States District Court no later than six months after the date of the mailing of my November 19, 2015, letter.

Sincerely yours,

*Brian Bezio*  
Brian Bezio  
Chief Financial Officer

Cc: Lisa D. Doehl, Attorney-Advisor  
Office of the Solicitor, Alaska Region

Exhibit   A    
Page   1   of   2

U.S. Department of the Interior  
4230 University Drive, Suite 300  
Anchorage, Alaska 99508-4626

Exhibit	A
Page	2 of 2